

Part 4

Election Officer's Duties

20A-5-400.1 Contracting with an election officer to conduct elections -- Fees -- Contracts and interlocal agreements -- Private providers.

- (1)
 - (a) In accordance with this section, a local political subdivision may enter into a contract or interlocal agreement as provided in Title 11, Chapter 13, Interlocal Cooperation Act, with a provider election officer to conduct an election.
 - (b) If the boundaries of a local political subdivision holding the election extend beyond a single local political subdivision, the local political subdivision may have more than one provider election officer conduct an election.
- (2) A provider election officer shall conduct an election:
 - (a) under the direction of the contracting election officer; and
 - (b) in accordance with a contract or interlocal agreement.
- (3) A provider election officer shall establish fees for conducting an election for a contracting election officer that:
 - (a) are consistent with the contract or interlocal agreement; and
 - (b) do not exceed the actual costs incurred by the provider election officer.
- (4) The contract or interlocal agreement under this section may specify that a contracting election officer request, within a specified number of days before the election, that the provider election officer conduct the election to allow adequate preparations by the provider election officer.
- (5) An election officer conducting an election may appoint or employ an agent or professional service to assist in conducting the election.

Enacted by Chapter 310, 2011 General Session

20A-5-400.5 Election officer for bond and leeway elections.

- (1) When a voted leeway or bond election is held on the regular general election date, the county clerk shall serve as the provider election officer to conduct that election.
- (2)
 - (a) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of the unincorporated county, the county clerk shall serve as the provider election officer to conduct that election subject to Subsection (3).
 - (b) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election is entirely within the boundaries of a municipality, the municipal clerk for that municipality shall, except as provided in Subsection (3), serve as the provider election officer to conduct that election.
 - (c) When a voted leeway or bond election is held on the municipal general election date or any other election date permitted for special elections under Section 20A-1-204, and the local political subdivision calling the election extends beyond the boundaries of a single municipality:

- (i) except as provided in Subsection (3), the municipal clerk shall serve as the provider election officer to conduct the election for those portions of the local political subdivision where the municipal general election or other election is being held; and
 - (ii) except as provided in Subsection (3), the county clerk shall serve as the provider election officer to conduct the election for the unincorporated county and for those portions of any municipality where no municipal general election or other election is being held.
- (3) When a voted leeway or bond election is held on a date when no other election, other than another voted leeway or bond election, is being held in the entire area comprising the local political subdivision calling the voted leeway or bond election:
 - (a) the clerk or chief executive officer of a local district or the business administrator or superintendent of the school district, as applicable, shall serve as the election officer to conduct the bond election for those portions of the local political subdivision in which no other election, other than another voted leeway or bond election, is being held, unless the local district or school district has contracted with a provider election officer; and
 - (b) the county clerk, municipal clerk, or both, as determined by the local political subdivision holding the bond election, shall serve as the provider election officer to conduct the bond election for those portions of the local political subdivision in which another election, other than another voted leeway or bond election, is being held.
- (4) A provider election officer required by this section to conduct an election for a local political subdivision shall comply with Section 20A-5-400.1.

Amended by Chapter 415, 2013 General Session

20A-5-401 Official register -- Preparation -- Contents.

- (1)
 - (a) Before the registration days for each regular general, municipal general, regular primary, municipal primary, or Western States Presidential Primary election, each county clerk shall prepare an official register of voters for each voting precinct that will participate in the election.
 - (b) The county clerk shall ensure that the official register is prepared for the alphabetical entry of names and contains entry fields to provide for the following information:
 - (i) registered voter's name;
 - (ii) party affiliation;
 - (iii) grounds for challenge;
 - (iv) name of person challenging a voter;
 - (v) primary, November, special;
 - (vi) date of birth;
 - (vii) place of birth;
 - (viii) place of current residence;
 - (ix) street address;
 - (x) zip code;
 - (xi) identification and provisional ballot information as required under Subsection (1)(d); and
 - (xii) space for the voter to sign his name for each election.
 - (c) When preparing the official register for the Western States Presidential Primary, the county clerk shall include:
 - (i) an entry field to record the name of the political party whose ballot the voter voted; and
 - (ii) an entry field for the poll worker to record changes in the voter's party affiliation.
 - (d) When preparing the official register for any regular general election, municipal general election, statewide special election, local special election, regular primary election, municipal

primary election, local district election, or election for federal office, the county clerk shall include:

- (i) an entry field for the poll worker to record the type of identification provided by the voter;
- (ii) a column for the poll worker to record the provisional envelope ballot number for voters who receive a provisional ballot; and
- (iii) a space for the poll worker to record the type of identification that was provided by voters who receive a provisional ballot.

(2)

(a)

- (i) For regular and municipal elections, primary elections, regular municipal elections, local district elections, and bond elections, the county clerk shall make an official register only for voting precincts affected by the primary, municipal, local district, or bond election.
 - (ii) If a polling place to be used in a bond election serves both voters residing in the local political subdivision calling the bond election and voters residing outside of that local political subdivision, the official register shall designate whether each voter resides in or outside of the local political subdivision.
 - (iii) Each county clerk, with the assistance of the clerk of each affected local district, shall provide a detailed map or an indication on the registration list or other means to enable a poll worker to determine the voters entitled to vote at an election of local district officers.
- (b) Municipalities shall pay the costs of making the official register for municipal elections.

Amended by Chapter 45, 2009 General Session

20A-5-402.5 Certification of voting equipment.

- (1) As used in this section, "voting equipment" means automatic tabulating equipment, electronic voting systems, voting devices, and voting machines.
- (2) Each election officer shall ensure that:
 - (a) the voting equipment used by the election officer is certified by the Election Assistance Commission; and
 - (b) the voting equipment is certified by the lieutenant governor as having met the requirements of this section.
- (3) The lieutenant governor shall ensure that all voting equipment used complies with the requirements of this section.

Amended by Chapter 8, 2010 General Session

20A-5-402.7 Voting Equipment Selection Committee.

- (1) As used in this section, "new voting equipment system" means voting equipment that is operated in a materially different way or that functions in a materially different way than the equipment being replaced.
- (2) Before selecting or purchasing a new voting equipment system after January 1, 2007, the lieutenant governor shall:
 - (a) appoint a Voting Equipment Selection Committee; and
 - (b) ensure that the committee includes persons having experience in:
 - (i) election procedures and administration;
 - (ii) computer technology;
 - (iii) data security;
 - (iv) auditing; and

- (v) access for persons with disabilities.
- (3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (4) The lieutenant governor shall select a chair from the committee membership.
- (5) The lieutenant governor may fill any vacancies that occur on the committee.
- (6) The lieutenant governor's office shall provide staffing for the committee.
- (7) The Voting Equipment Selection Committee shall:
 - (a) evaluate new voting equipment systems proposed for purchase by the state; and
 - (b) provide information and recommendations to assist the lieutenant governor with the purchase of new voting equipment systems.
- (8) The lieutenant governor may designate individuals, including committee members, to inspect and review proprietary software as part of an evaluation of new voting equipment systems under consideration for purchase.
- (9) Before making any selection or purchase, the lieutenant governor shall provide for a period of public review and comment on new voting equipment systems under consideration for purchase by the state.

Amended by Chapter 286, 2010 General Session

20A-5-403 Polling places -- Booths -- Ballot boxes -- Inspections -- Arrangements.

- (1) Each election officer shall:
 - (a) designate polling places for each voting precinct in the jurisdiction; and
 - (b) obtain the approval of the county or municipal legislative body or local district governing board for those polling places.
- (2)
 - (a) For each polling place, the election officer shall provide:
 - (i) an American flag;
 - (ii) a sufficient number of voting booths or compartments;
 - (iii) the voting devices, voting booths, ballots, ballot boxes, ballot labels, ballot sheets, write-in ballots, and any other records and supplies necessary to enable a voter to vote;
 - (iv) the constitutional amendment cards required by Part 1, Election Notices and Instructions;
 - (v) voter information pamphlets required by Chapter 7, Part 7, Voter Information Pamphlet;
 - (vi) the instruction cards required by Section 20A-5-102; and
 - (vii) a sign, to be prominently displayed in the polling place, indicating that valid voter identification is required for every voter before the voter may vote and listing the forms of identification that constitute valid voter identification.
 - (b) Each election officer shall ensure that:
 - (i) each voting booth is at a convenient height for writing, and is arranged so that the voter can prepare the voter's ballot screened from observation;
 - (ii) there are a sufficient number of voting booths or voting devices to accommodate the voters at that polling place; and
 - (iii) there is at least one voting booth or voting device that is configured to accommodate persons with disabilities.
 - (c) Each county clerk shall provide a ballot box for each polling place that is large enough to properly receive and hold the ballots to be cast.

- (3)
 - (a) All polling places shall be physically inspected by each county clerk to ensure access by a person with a disability.
 - (b) Any issues concerning inaccessibility to polling places by a person with a disability discovered during the inspections referred to in Subsection (3)(a) or reported to the county clerk shall be:
 - (i) forwarded to the Office of the Lieutenant Governor; and
 - (ii) within six months of the time of the complaint, the issue of inaccessibility shall be either:
 - (A) remedied at the particular location by the county clerk;
 - (B) the county clerk shall designate an alternative accessible location for the particular precinct; or
 - (C) if no practical solution can be identified, file with the Office of the Lieutenant Governor a written explanation identifying the reasons compliance cannot reasonably be met.
- (4)
 - (a) The municipality in which the election is held shall pay the cost of conducting each municipal election, including the cost of printing and supplies.
 - (b)
 - (i) Costs assessed by a county clerk to a municipality under this section may not exceed the actual costs incurred by the county clerk.
 - (ii) The actual costs shall include:
 - (A) costs of or rental fees associated with the use of election equipment and supplies; and
 - (B) reasonable and necessary administrative costs.
- (5) The county clerk shall make detailed entries of all proceedings had under this chapter.

Amended by Chapter 297, 2011 General Session

20A-5-404 Election forms -- Preparation and contents.

- (1)
 - (a) For each election, the election officer shall prepare, for each voting precinct, a:
 - (i) ballot disposition form;
 - (ii) total votes cast form;
 - (iii) tally sheet form; and
 - (iv) pollbook.
 - (b) For each election, the election officer shall:
 - (i) provide a copy of each form to each of those precincts using paper ballots; and
 - (ii) provide a copy of the ballot disposition form and a pollbook to each of those voting precincts using an automated voting system.
- (2) The election officer shall ensure that the ballot disposition form contains a space for the judges to identify:
 - (a) the number of ballots voted;
 - (b) the number of substitute ballots voted, if any;
 - (c) the number of ballots delivered to the voters;
 - (d) the number of spoiled ballots;
 - (e) the number of registered voters listed in the official register;
 - (f) the total number of voters voting according to the pollbook; and
 - (g) the number of unused ballots.
- (3) The election officer shall ensure that the total votes cast form contains:

- (a) the name of each candidate appearing on the ballot, the office for which the candidate is running, and a blank space for the election judges to record the number of votes that the candidate received;
- (b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to record the number of votes that the write-in candidate received;
- (c) a heading identifying each ballot proposition and blank spaces for the election judges to record the number of votes for and against each proposition; and
- (d) a certification, in substantially the following form, to be signed by the judges when they have completed the total votes cast form:

"TOTAL VOTES CAST

At an election held at _____ in _____ voting precinct in _____ (name of entity holding the election) and State of Utah, on _____ (month\day\year), the following named persons received the number of votes annexed to their respective names for the following described offices: Total number of votes cast were as follows:

Certified by us _____, _____, _____, Judges of Election."

- (4) The election officer shall ensure that the tally sheet form contains:

- (a) for each office, the names of the candidates for that office, and blank spaces to tally the votes that each candidate receives;
- (b) for each office, blank spaces for the election judges to record the names of write-in candidates, if any, and a blank space for the election judges to tally the votes for each write-in candidate;
- (c) for each ballot proposition, a heading identifying the ballot proposition and the words "Yes" and "No" or "For" and "Against" on separate lines with blank spaces after each of them for the election judges to tally the ballot proposition votes; and
- (d) a certification, in substantially the following form, to be signed by the judges when they have completed the tally sheet form:

"Tally Sheet

We the undersigned election judges for voting precinct # _____, _____ (entity holding the election) certify that this is a true and correct list of all persons voted for and ballot propositions voted on at the election held in that voting precinct on _____ (date of election) and is a tally of the votes cast for each of those persons. Certified by us _____, _____, _____, Judges of Election."

- (5) The election officer shall ensure that the pollbook:

- (a) identifies the voting precinct number on its face; and
- (b) contains:
 - (i) a section to record persons voting on election day, with columns entitled "Ballot Number" and "Voter's Name";
 - (ii) another section in which to record absentee ballots;
 - (iii) a section in which to record voters who are challenged; and
 - (iv) a certification, in substantially the following form:

"We, the undersigned, judges of an election held at _____ voting precinct, in _____ County, state of Utah, on _____ (month\day\year), having first been sworn according to law, certify that the information listed in this book is a true statement of the number and names of the persons voting in the voting precinct at the election, and that the total number of persons voting at the election was _____."

Judges of Election

Amended by Chapter 9, 2001 General Session

20A-5-405 Election officer to provide ballots.

- (1) In jurisdictions using paper ballots, each election officer shall:
- (a) provide printed official paper ballots and absentee ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate whose nomination has been certified to or filed with the election officer in the manner provided by law to be printed on each official paper ballot and absentee ballot;
 - (c) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (d) ensure that the official paper ballots are printed and in the possession of the election officer before commencement of voting;
 - (e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official paper ballot and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official ballot to inspect the official paper ballots and absentee ballots;
 - (h) cause sample ballots to be printed that are in the same form as official paper ballots and that contain the same information as official paper ballots but that are printed on different colored paper than official paper ballots;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) print and deliver, at the expense of the jurisdiction conducting the election, enough official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.
- (2) In jurisdictions using a punch card ballot, each election officer shall:

- (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot labels for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be printed on each official ballot label;
 - (c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label;
 - (d) ensure that the official ballot labels are printed and in the possession of the election officer before the commencement of voting;
 - (e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot label and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;
 - (h) cause sample ballots to be printed that contain the same information as official ballot labels but that are distinguishable from official ballot labels;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in his office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.
- (3) In jurisdictions using a ballot sheet other than a punch card, each election officer shall:
- (a) provide official ballot sheets and absentee ballot sheets for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to or filed with the election officer to be printed on each official ballot and absentee ballot;
 - (c) cause each ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;
 - (d) ensure that the official ballots are printed and in the possession of the election officer before commencement of voting;
 - (e) ensure that the absentee ballots are printed and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;

- (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;
 - (h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from the official ballots;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and
 - (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) print and deliver, at the expense of the jurisdiction conducting the election, enough official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting demands of the qualified voters in each voting precinct.
- (4) In jurisdictions using electronic ballots, each election officer shall:
- (a) provide official ballots for every election of public officers in which the voters, or any of the voters, within the election officer's jurisdiction participate;
 - (b) cause the name of every candidate who filed with the election officer in the manner provided by law or whose nomination has been certified to the election officer to be displayed on each official ballot;
 - (c) cause each ballot proposition that has qualified for the ballot as provided by law to be displayed on each official ballot;
 - (d) ensure that the official ballots are prepared and in the possession of the election officer before commencement of voting;
 - (e) ensure that the absentee ballots are prepared and in the possession of the election officer with sufficient time before commencement of voting;
 - (f) cause any ballot proposition that has qualified for the ballot as provided by law to be printed on each official ballot and absentee ballot;
 - (g) allow candidates and their agents and the sponsors of ballot propositions that have qualified for the official sample ballot to inspect the official sample ballot;
 - (h) cause sample ballots to be printed that contain the same information as official ballots but that are distinguishable from official ballots;
 - (i) ensure that the sample ballots are printed and in the possession of the election officer at least seven days before commencement of voting;
 - (j) make the sample ballots available for public inspection by:
 - (i) posting a copy of the sample ballot in the election officer's office at least seven days before commencement of voting;
 - (ii) mailing a copy of the sample ballot to:
 - (A) each candidate listed on the ballot; and
 - (B) the lieutenant governor; and
 - (iii) publishing a copy of the sample ballot immediately before the election:
 - (A) in at least one newspaper of general circulation in the jurisdiction holding the election; and

- (B) as required in Section 45-1-101;
 - (k) deliver at least five copies of the sample ballot to poll workers for each polling place and direct them to post the sample ballots as required by Section 20A-5-102; and
 - (l) prepare and deliver official ballots, sample ballots, and instruction cards at the expense of the jurisdiction conducting the election.
- (5)
- (a) Each election officer shall, without delay, correct any error discovered in any official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the correction can be made without interfering with the timely distribution of the paper ballots, ballot labels, ballot sheets, or electronic ballots.
 - (b)
 - (i) If the election officer discovers an error or omission in a paper ballot, ballot label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets before they are distributed at the polls.
 - (ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.
 - (c)
 - (i) If the election officer refuses or fails to correct an error or omission in the paper ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may file a verified petition with the district court asserting that:
 - (A) an error or omission has occurred in:
 - (I) the publication of the name or description of a candidate;
 - (II) the preparation or display of an electronic ballot; or
 - (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets; and
 - (B) the election officer has failed to correct or provide for the correction of the error or omission.
 - (ii) The district court shall issue an order requiring correction of any error in a paper ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error should not be corrected if it appears to the court that the error or omission has occurred and the election officer has failed to correct it or failed to provide for its correction.
 - (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the decision of the district court.

Amended by Chapter 388, 2009 General Session

20A-5-406 Delivery of ballots.

- (1) In elections using paper ballots or ballot sheets:
 - (a) Each election officer shall deliver ballots to the poll workers of each voting precinct in his jurisdiction in an amount sufficient to meet voting needs during the voting period.
 - (b) The election officer shall:
 - (i) package and deliver the ballots to the election judges;
 - (ii) clearly mark the outside of the package with:
 - (A) the voting precinct and polling place for which it is intended; and
 - (B) the number of each type of ballots enclosed;

- (iii) ensure that each package is delivered before commencement of voting to a poll worker in each precinct; and
 - (iv) obtain a receipt for the ballots from the poll worker to whom they were delivered that identifies the date and time when, and the manner in which, each ballot package was sent and delivered.
- (c) The election officer shall prepare substitute ballots in the form required by this Subsection (1) if any poll worker reports that:
 - (i) the ballots were not delivered on time; or
 - (ii) after delivery, they were destroyed or stolen.
- (d) The election officer shall:
 - (i) prepare the substitute ballots as nearly in the form prescribed for official ballots as practicable;
 - (ii) cause the word "substitute" to be printed in brackets:
 - (A) for a ballot prepared by an election officer other than a county clerk, immediately under the facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or
 - (B) for a ballot prepared by a county clerk, immediately under the words required by Subsection 20A-6-301(1)(c)(iii);
 - (iii) place the ballots in two separate packages, each package containing 1/2 the ballots sent to that voting precinct; and
 - (iv) place a signed statement in each package certifying that the substitute ballots found in the package were prepared and furnished by the election officer, and that the original ballots were not received, were destroyed, or were stolen.
- (2) In elections using electronic ballots:
 - (a) Each election officer shall:
 - (i) deliver the voting devices and electronic ballots prior to the commencement of voting;
 - (ii) ensure that the voting devices, equipment, and electronic ballots are properly secured before commencement of voting; and
 - (iii) when electronic ballots or voting devices containing electronic ballots are delivered to a poll worker, obtain a receipt from the poll worker to whom they were delivered that identifies:
 - (A) the name of the poll worker receiving delivery; and
 - (B) the date and time when the ballots or voting devices containing the electronic ballots were delivered.
 - (b) The election officer shall repair or provide substitute voting devices, equipment, or electronic ballots, if available, if any poll worker reports that:
 - (i) the voting devices or equipment were not delivered on time;
 - (ii) the voting devices or equipment do not contain the appropriate electronic ballot information;
 - (iii) the safety devices on the voting devices, equipment, or electronic ballots appear to have been tampered with;
 - (iv) the voting devices or equipment do not appear to be functioning properly; or
 - (v) after delivery, the voting devices, equipment, or electronic ballots were destroyed or stolen.
 - (c) If the election officer is unable to prepare and provide substitute voting devices, equipment, or electronic ballots, the election officer may elect to provide paper ballots or ballot sheets according to the requirements of Subsection (1).

Amended by Chapter 392, 2015 General Session

20A-5-407 Election officer to provide ballot boxes.

- (1) Except as provided in Subsection (3), each election officer shall:

- (a) provide one ballot box with a lock and key for each polling place; and
 - (b) deliver the ballot boxes, locks, and keys to the polling place or the election judges of each voting precinct no later than noon on the day before the election.
- (2) Election officers for municipalities and local districts may obtain ballot boxes from the county clerk's office.
- (3) If locks and keys are unavailable, the ballot box lid shall be secured by tape.

Amended by Chapter 329, 2007 General Session

20A-5-408 Disposition of election returns.

- (1) Each election officer shall produce the packages containing the election returns before the board of canvassers.
- (2) As soon as the returns are canvassed, the election officer shall file the pollbook, lists, and papers produced before the board as required by Section 20A-4-202.

Enacted by Chapter 1, 1993 General Session

20A-5-409 Certification of candidates to county clerks.

No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the name of each candidate qualified to be printed on the regular general election ballot for that county clerk's county.

Amended by Chapter 327, 2011 General Session